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04-26-04

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CUSTOMER NUMBER 25268

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: David A. Basiji et al. Attorney Docket No: BIOL0029
Serial No: 09/976,238 Group Art Unit: 1639
Filed: October 12, 2001 Examiner: Tran, My Chau T.
Title: METHODS FOR SYNTHESIZING REPORTER LABELED BEADS

PETITION TO REVIVE UNINTENTIONALLY ABANDONED
APPLICATION UNDER 37 CFR 1.137(b)

Bellevue, Washington 98004

April 23, 2004

TO THE COMMISSIONER FOR PATENTS:

Attention: Office of Petitions
Commissioner for Patents
Mail Stop DAC/PETITIONS
P.O. Box 1450
Alexandria, VA 22313-1450

04/27/2004 SDIRETA1 00000008 09976238

01 FC:2453
02 FC:2253

665.00 OP
265.00 OP

The above-identified application became abandoned for failure to file a response placing the application in condition for allowance by the end of the six-month period for response to the Final Office Action dated September 17, 2003. The abandonment date of this application is March 17, 2003, the day after the six-month expiration date of the period set for response to the Final Office Action.

A response to the Final Office Action, in the form of an Amendment and Request for Reconsideration, along with a request for a two-month extension of time and the \$210 fee was timely submitted to the United States Patent and Trademark Office on February 4, 2004, within the second month of extension for responding to the Final Office Action. The two-month request for extension of time effectively extended the time for responding to the Final Office Action to February 17, 2004.

Subsequent to the Amendment and Request for Reconsideration submitted on February 4, 2004, an Advisory Action was mailed by the Patent Office, dated March 19, 2004, two days following the six-month expiration date from the date of the September 17, 2003 Final Office Action. The Advisory Action was received by applicants' attorney on March 22, 2004.

Applicants hereby petition for revival of this application. The \$665 small entity petition to revive unintentionally abandoned patent application is enclosed herewith, as noted below.

1. Petition Fee/Small Entity Status

The small entity petition for unintentional revival fee of \$665 is enclosed herewith, as noted below.

Small entity status was previously established and is still proper. See 37 C.F.R. § 1.27.

2. Proposed Response and/or Fee

The proposed response and/or fee to the above-noted Final Office Action is in the form of a Request for Continued Examination (RCE), submitted concurrently herewith, with the required small entity fee of \$385 included, as noted below, and includes a request to have the Amendment and Request for Reconsideration dated February 4, 2004 entered.

3. Request for Extension of Time

A two-month small entity Request for Extension of Time to extend the period for response to February 17, 2004 was previously submitted with the Amendment filed February 4, 2004 (received by Patent Office February 9, 2004). The required small entity fee for a two-month extension of time is \$210, whereas the required small entity fee for a three-month extension of time is \$475. As \$210 of the \$475 fee has been paid, an additional \$265 is included in the enclosed below-noted check, to account for the fee difference between the two-month (already paid) and the three-month extension fee (now required). Applicants respectfully request that the shortened statutory period for response to the Final Office Action dated September 17, 2003, set to expire on the 2nd month of extension (February 17, 2004, be extended by the third month, to March 17, 2004.

4. Fee Submission/Authorization to Charge Deposit Account

Enclosed is check No. 7348, in the amount of \$1315, including the small entity fee for a petition to revive unintentionally abandoned application (\$665), the small entity Request for Continued Examination fee (\$385), and the difference between the three-month extension of time fee (\$475) and the \$210 two-month fee already submitted (\$265).

Please charge any additional fees or credit any overpayment to Deposit Account No. 01-1940. A copy of this sheet is enclosed.

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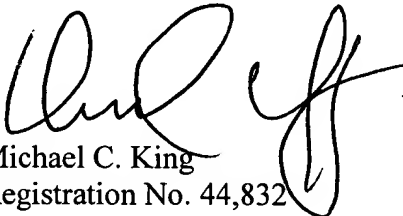
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1 5. Verified Statement

2 The entire delay in filing the required reply, causing the abandonment of the above-identified
3 patent application, from the due date for the reply until the filing of a grantable petition pursuant to
4 37 C.F.R. § 1.137(b) was unintentional.

5 I hereby declare that all statements made herein of my own knowledge are true and that all
6 statements made on information and belief are believed to be true; and further that these statements
7 were made with the knowledge that willful false statements and the like so made are punishable by
8 fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that
9 such willful false statements may jeopardize the validity of the application, any patent issuing
10 thereon, or any patent to which this verified statement is directed.

11 Respectfully submitted,

12 
13 Michael C. King
14 Registration No. 44,832

15 MCK

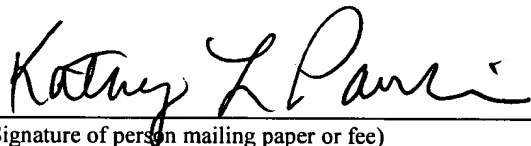
16
17
18 EXPRESS MAIL CERTIFICATE

19 Express Mail Label No. EV302883426US

 Date of Deposit: April 23, 2004

20 I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to
21 Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to the Commissioner for
22 Patents, Alexandria, Virginia 22313-1450.

23 Kathy Paulino
24 (Name of person mailing paper/fee)


 (Signature of person mailing paper or fee)